

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08CV43-1-MU

JERRY SANDERS,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER comes before the Court upon the Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, filed February 4, 2008.

Petitioner has a long history of filing unsuccessful collateral motions with this Court. See 3:98CV30 (§ 2255); 3:00CV131 (§ 2241); 3:04CV275 (§ 2241 transferred here as § 2255); 3:05CV344 (filing converted to § 2255); and 3:06CV12 (§ 2255). Petitioner, obviously an experienced litigator, has now chosen to specifically file another motion pursuant to 28 U.S.C. § 2241.¹

A petition under 28 U.S.C. § 2241 must be brought in the prisoner's district of confinement. See 28 U.S.C. § 2241(a); In re Jones, 226 F.3d 328, 332 (4th Cir. 2000). Petitioner

¹ The Court notes that although it appears that the basis of Petitioner's claim is an attack on his sentence and therefore it is more properly raised in a § 2255 motion, this Court will not convert his specifically labeled filing. Petitioner has already been informed in prior cases that his claim concerning his career offender status is more properly raised in a § 2255 motion. Moreover, Petitioner has also been informed that he must seek permission from the Fourth Circuit prior to filing another § 2255 motion. Indeed it appears from the record that Petitioner has been denied permission to file a successive § 2255 motion on at least three occasions.

is presently incarcerated at the Federal Correctional Institution in Coleman, Florida, which lies in the Southern District of Florida. Consequently, this Court does not have jurisdiction over this § 2241 proceeding.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED without prejudice**.

Signed: February 13, 2008

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

